

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY,
OCTOBER 19, 2009 AT 6:00 P.M. IN THE CHAMBERS OF TOWN HALL, LOCATED
AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

CALL TO ORDER

Mayor Kilvinger called the meeting to order at 6:02 p.m.

ROLL CALL:

Present: Kilvinger, Smith, Woolridge, Celaya, Raasch, Hawkins, Brown

PLEDGE OF ALLEGIANCE

Vice-Mayor Smith led the Pledge of Allegiance.

CALL TO THE PUBLIC

Call to the Public for Public Comment on items that appear on the October 19, 2009 Town Council Agenda.

There were no public comments.

PUBLIC HEARINGS & PRESENTATIONS

Proclamation declaring October 2009 as Head Start Awareness Month.

Mr. James Mannato, Town Attorney, read the proclamation for the record.

Mayor Kilvinger proclaimed October 2009 as Head Start Awareness Month and presented the proclamation to Ms. Shannon Masters. Mayor Kilvinger stated that she appreciates everything Head Start offers to the community and stressed its importance for the community.

Ms. Masters thanked Mayor Kilvinger and the Council. She stated that they have been serving Florence for sixteen years, since 1993. She invited Mayor Kilvinger to Read to Kids Day on October 28, 2009.

Proclamation declaring October 19-23, 2009 as Arizona Cities & Towns Week.

Mr. Mannato read the proclamation for the record.

Mayor Kilvinger proclaimed October 19-23, 2009, as Arizona Cities & Towns Week. She stated that the Town is proud to be part of the League of Cities and Towns.

Second Public Hearing and possible action on Resolution No. 1207-09:

Mr. Himanshu Patel, Town Manager, read Resolution No. 1207-09 by title only.

A RESOLUTION PROPOSING AN EXTENSION OF THE ALTERNATIVE EXPENDITURE LIMITATION (Home Rule Option) (First reading held October 5, 2009).

Mr. Patel gave a brief presentation on the Alternative Expenditure Limitation.

Mayor Kilvinger opened the public hearing; there being no comments, Mayor Kilvinger closed the public hearing.

On motion of Councilmember Woolridge, seconded by Councilmember Brown to adopt Resolution No. 1207-09.

Roll Call Vote:

Yes: Woolridge, Brown, Celaya, Raasch, Hawkins, Smith, Kilvinger

Motion passed (Yes: 7; No: 0)

CONSENT: All items indicated by an (*) will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.

- a. ***Authorization to submit a letter of intent and grant application to apply for an Energy Efficiency Community Block Grant (EECBG) from the U.S. Department of Energy.**
- b. ***Authorization to enter into a facility use agreement with Pinal County to use the Historic Courthouse for the Parks and Recreation Department to put on a "Haunted House" during the annual Halloween festivities on Thursday, October 29 and Friday, October 30, 2009.**
- c. ***Recommendation of Approval to the Arizona Department of Liquor License & Control on Poston Butte Golf Club, LLC's application for a temporary Extension of Premises/Patio Permit for November 14, 2009.**
- d. ***Acceptance of the register of demands ending September 30, 2009 in the amount of \$1,092,145.23.**

On motion of Vice-Mayor Smith, seconded by Councilmember Raasch and carried to approve the consent agenda as written.

NEW BUSINESS

Resolution No. 1208-09

Mr. Patel read Resolution No. 1208-09 by title only.

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF FLORENCE, ARIZONA, APPROVING THE FINAL PLAT FOR ANTHEM AT MERRILL RANCH UNIT 20; REQUIRING THE PROVISION OF AN INFRASTRUCTURE IMPROVEMENT ASSURANCE OR WITHHOLDING OF RECORDATION TO SECURE THE SATISFACTORY CONSTRUCTION, INSTALLATION AND DEDICATION OF REQUIRED IMPROVEMENTS; ESTABLISHING A DEADLINE FOR REQUIRED IMPROVEMENTS TO BE COMPLETED; AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS (PZC-63-09-FP).

Mark Eckhoff, Planning Director, stated the request is for approval of the final plat for Anthem at Merrill Ranch Unit 20. He explained the location of Unit 20 and stated that it is approximately 38 acres. He said approximately 22 acres is designated as open space and there are 58 lots and 8 tracts in the final plat. The zoning is PUD R-1, Planned Unit Development, Single-Family Residential.

Councilmember Brown asked if Unit 20 is on the Sun City side, and if it will be for residents 55 and older.

Mr. Eckhoff confirmed that it will be for residents 55 and older and it will be on the Sun City side.

On motion of Councilmember Raasch, seconded by Councilmember Brown and carried to adopt Resolution No. 1208-09.

Resolution No. 1209-09

Mr. Patel read Resolution No. 1209-09 by title only.

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF FLORENCE, ARIZONA, APPROVING THE NATIONAL BANK OF ARIZONA FINAL PLAT; REQUIRING THE PROVISION OF AN INFRASTRUCTURE IMPROVEMENT ASSURANCE OR WITHHOLDING OF RECORDATION TO SECURE THE SATISFACTORY CONSTRUCTION, INSTALLATION AND DEDICATION OF REQUIRED IMPROVEMENTS; ESTABLISHING A DEADLINE FOR REQUIRED IMPROVEMENTS TO BE COMPLETED; AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS (PZC-62-09-FP).

Mr. Eckhoff gave a brief overview of the status of the National Bank project. He said that due to the economy, the project is at a standstill. He said the property is located on the corner of Butte and Main, and National Bank still owns the property. He stated that 13th Street runs through the property. He added that the 13th Street right-of-way was abandoned in 2007 because the site was going to be consolidated into one developable lot. The final plat is the next step after the abandonment. It will combine the lots that make up the property and consolidate the abandoned right-of-way. It also addresses all

conditions and comments addressed in earlier reviews by the Planning and Engineering staff.

Councilmember Hawkins inquired about the parking for the Pinal County building (75 N. Main Street).

Mr. Eckhoff stated that the property belongs to National Bank. He said that Pinal County will need to find an alternate place to park, such as on-street parking. He said the School District office uses the empty lots to park on as well.

On motion of Councilmember Brown, seconded by Councilmember Raasch, and carried to adopt Resolution No. 1209-09.

Resolution No. 1210-09

Mr. Patel read Resolution No. 1210-09 by title only.

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF FLORENCE, ARIZONA, APPROVING THE MAP OF DEDICATION FOR HUNT HIGHWAY PHASE 3, REQUIRING THE PROVISION OF AN INFRASTRUCTURE IMPROVEMENT ASSURANCE OR WITHHOLDING OF RECORDATION TO SECURE THE SATISFACTORY CONSTRUCTION, INSTALLATION AND DEDICATION OF REQUIRED IMPROVEMENTS; ESTABLISHING A DEADLINE FOR REQUIRED IMPROVEMENTS TO BE COMPLETED; AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.

Mr. Eckhoff stated that the request is for a one-year extension of a Map of Dedication for Hunt Highway Phase 3. He said the portion of Hunt Highway is located within the Anthem at Merrill Ranch development south of Merrill Ranch Parkway. He gave a brief overview on what transpires with a Map of Dedication. He said other roadway projects have taken a higher priority, in part because it will require extra engineering to refine how the curb is designed on Hunt Highway. He noted that the next Town fire station will be located in the same area.

Discussion occurred on:

- How many lanes the curb will have
- What portion of the area will be within the Town boundaries
- Possible annexation of the area not included within Town boundaries
- Attaway intersection

Mr. Patel clarified the Town boundaries and stated that there is an area of Hunt Highway in Pinal County. He stated that discussions have occurred with the property owners and Pinal County for possible annexation.

Mr. Eckhoff stated that they would like to work with Pinal County and the property owners, but it will take an extensive effort to annex the area.

On motion of Councilmember Brown, seconded by Councilmember Raasch and carried to adopt Resolution No. 1210-09.

Resolution No. 1211-09

Mr. Patel read Resolution No. 1211-09 by title only.

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF FLORENCE, ARIZONA, APPROVING AN UPDATE TO THE FLORENCE TOWNSITE HISTORIC DISTRICT PRESERVATION DESIGN GUIDELINES (CASE HDAC-05-09).

Mr. Eckhoff stated that in 1996 the Town created the Historic Preservation Design Guidelines for the historic area. Over the last few years, it was determined that the document is not as user-friendly as newer documents. The Town has updated the document with the assistance of a grant from the State, a consulting firm, the Historic District Advisory Commission (HDAC), the Technical Advisory Committee, and Mr. Gilbert Olgin. He highlighted the following items about the revised guidelines:

- Acknowledgments
- Formatting is easier to read and user friendly. The guidelines are broken into chapters, and there are clear and concise sections within each chapter.
- Incorporated more images; both historic and new images of historic properties
- New map of Historic District including highlighting properties within the District
- Samples of pictures explaining types of walls, roofs, etc. that are acceptable for the Historic District rather than using plain text.
- Added section on signage and landscaping within the District
- Updated flow chart and defined new process for applications (Certificate of Appropriateness)
- Outlined appeal process

Mr. Eckhoff thanked all those who participated in the update. He said that Florence received two awards at the Arizona Planning Association for: 1) Redevelopment Plan and 2) for the Town's effort in rehabilitating the Silver King Hotel.

Councilmember Hawkins asked if there is a section regarding painting of historic buildings and prohibiting the painting of natural bricks; such as what occurred with the Gentry's building.

Mr. Eckhoff stated that the HDAC has forwarded a favorable recommendation to the Council and the document is supported by SHPO. He commented on the Gentry's building and stated that there is nothing prohibiting the owners from painting over natural bricks. He said that painting is not governed by the guidelines. He added that the guidelines are suggestions, and it was suggested to the owners not to paint the brick; however, the owners chose to paint the building. He said there is a fine line between respecting the guidelines and the rights of the property owners. He discussed the appeal process.

Councilmember Brown asked what legal rights the Town has to ask the owners to abide by the guidelines of the HDAC.

Mr. Eckhoff stated there is language in the Town Code for developments and improvements. The language speaks to the HDAC and defines their legal role. He said the guidelines are suggestions on how things should be done within the Historic District. Ultimately, the Commission has the authority to regulate the types of things that will be allowed, however, all the details are not spelled out in the Town Code. They are spelled out in greater clarity in the guidelines as well as applications that would further guide people

Mr. Eckhoff explained the various processes including the appeal process in greater detail.

Discussion occurred on "CC&Rs" that HOAs have and the possibility of something similar in the Historic District.

Mr. Mannato clarified their sphere of control pertaining to the Gentry's Building. He explained that the Council would need to make a legislative decision for a provision to be incorporated into the code should they elect to define the activities that the Council is wishing to control with a sufficient amount of particularity; such as to allow a government official to decide from a selected amount of colors which can be used for painting.

Discussion occurred on how the Council would need to adopt a resolution to make modifications in the zoning code.

Mr. Eckhoff stated that the Town would need to be cautious and work with all property owners in the Historic District to garner their support to the greatest extent possible. He said the Town is trying to take incremental steps to improve the process with the guidelines, but there may be opportunities to look at the zoning codes for other items to be reviewed.

Councilmember Celaya stated that the HDAC has been very frustrated in the fact that they have not had any influence on the changes being done to some buildings in the Historic District. He said the guidelines are an outstanding step forward. The document is much easier to read; it gives great examples, and identifies some of the advantages of staying within the historic styles such as incentives for grants and tax breaks.

Mayor Kilvinger, Vice-Mayor Smith, and Councilmember Brown thanked everyone who helped with the document and said the document was well written.

On motion of Councilmember Brown, seconded by Councilmember Woolridge and carried to adopt Resolution No. 1211-09

Resolution No. 1212-09

Mr. Patel read Resolution No. 1212-09 by title only.

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A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE).

Robert Ingulli, Police Chief, stated that the agreement will allow the Florence Police Department to:

- Work closely with the United States Immigration and Custom Enforcement (ICE).
- Participate in the border enforcement security task force on a part-time basis which is designed to apprehend specific felons who are in this country illegally
- Will provide training and certify employees as ICE agents

On motion of Councilmember Brown, seconded by Councilmember Raasch and carried to adopt Resolution No. 1212-09.

Discussion/Approval/Disapproval of entering into an Automatic Aid Agreement with Rural/Metro Fire Department, Inc.

Paul Carbajal, Fire Chief, stated that intent of the agreement is to get three engine companies on every working structure fire within the Town of Florence. The Florence Fire Department is a member of the Pinal County Fire Chiefs Association. The Town has entered into a Mutual Aid Agreement with all the other municipalities within Pinal County. Chief Carbajal stated that the Automatic Aid Agreement will further enhance the Mutual Aid Agreement; it would quicken the response of the apparatus. He explained that with a Mutual Aid Agreement, one would need to go through an approval process before any engine company can be released from Rural Metro Corporation to come into Florence or from Florence Fire Department to go to a Rural Metro area. As long as Florence has an engine company in town, it will allow one of the engine companies to leave to support the defined area, and they will be the first due in that area. The Automatic Aid Agreement would greatly enhance the safety and survival of the firefighters and the citizens.

On motion of Councilmember Brown, seconded by Councilmember Raasch and carried to enter into an Automatic Aid Agreement with Rural/Metro Fire Department Inc.

Discussion/Approval/Disapproval of authorizing the continuation of Knochel Bros. Inc. contract for future purchase orders under the Job Order Contracts for Construction (Civil).

Mr. Wayne Costa, Public Works Director, stated that the Town would like to continue with the Job order contract renewal with Knochel Bros. Inc. He explained that it is a five-year contact with yearly renewals. He stated that Knochel Bros. Inc. was evaluated based on:

- Costs: Change orders total less than 1% over the last 15 months
- Schedule: Met all schedule requirements
- Quality control: Excellent

The work is self-performed and Knochel Bros. Inc. gives unit prices that are better than those in area developments such as Anthem. Their work consists of grading, utility work, and bridge rehabilitation. He explained the job order contract process.

Councilmember Hawkins asked about the span from \$10,000 to \$2,500,000 and inquired if it would be cost effective to going out for bid.

Mr. Costa stated that the Town could go back to the bid process; however, it may take a long time to award a contract, which could put the Town in harm's way. He said that comparisons are done for the area such as with Anthem, Pulte and the Dodge Book to ensure competitive pricing.

Councilmember Hawkins stated that Florence may get better pricing if they go out for bid. He said some projects are going before the Council one year after they were discussed. He stated that there are qualified contractors who are looking for work and felt that the Town would be better served by the bid process.

Mr. Costa gave examples of jobs that Knochel Bros. Inc. has done, time frames for the projects, and explained how the Town benefits from job order contracts. He stated that the Town can defer any further purchase orders and go through the bid process.

Councilmember Woolridge stated that there are other considerations to consider such as they are readily available.

Mr. Mannato explained:

- Florence is not under any contractual obligation to hire Knochel Bros. Inc. for a job and explained how Town can reject the job if it is not competitive
- Bid Process
- Request for Qualifications Process
- Job Order Contract process
- Knochel Bros. Inc. is still required to be competitive
- Council must approve every job order

Councilmember Celaya stated that Pinal County uses Job Order Contracting. He said they use Mohave because they have pre-selected contractors. He inquired if there is a third party reviewer to compare bids.

Mr. Costa stated that the Town can use a third party to review bids or they can bid out each job.

Councilmember Hawkins stated that the Town could have other contractors pre-qualified so that it would be more competitive.

Discussion occurred on job order contractor versus the bid process.

Mr. Mannato stated that under Arizona Procurement Law, the process is very clear. An RFQ is designed to get the best qualified contractor and then negotiate the price. He said that qualifications are the first to be looked at.

Councilmember Raasch stated that he supports Mr. Costa's decision there have been several times that the job has moved up because they have a good working rapport with the contractor.

Vice-Mayor Smith stated that Mr. Costa does the engineering in-house and that all the work that Mr. Costa does goes before the Town Manager, the Town Attorney, and Town Council. He supports Mr. Costa and his decision to move forward on the Job Order Contract.

Councilmember Hawkins stated that Mr. Costa is doing a great job and since Mr. Mannato explained that the Town is not bound by the Job Order Contract, he is fine with it. He assumed that the Town was locked into Knochel Bros. Inc.

On motion of Councilmember Raasch, seconded by Councilmember Brown and carried for the continuation of Knochel Bros. Inc. contract for future purchase orders under the Job Order Contracts for Construction (Civil).

Discussion/Approval/Disapproval of awarding the contract for repair and remediation of the Butte Avenue bridge to Knochel Bros., Inc. in an amount not to exceed \$161,233.38, in accordance with the Job Order Contract for Construction (Civil) approved on October 6, 2008.

Mr. Costa explained the project work consisting of the repair and remediation on the East Butte Ave. Bridge which is the bridge that goes over the SCID on Butte Avenue. He stated that the bridge was built in 1936. He gave a thorough explanation of the damage found to the bridge and the repair work required.

Mr. Costa explained:

- Various analyses performed
- Deficiencies found: various types of cracks, spalling, flexing problems, etc.
- Work that needs to be completed to strengthen the bridge
- Sufficiency rating of bridge and weight limits imposed due to rating
- Cost estimates between rebuilding the bridge versus repairing it
- 11 utilities are attached to the bridge
- Recommended repair work

Councilmember Brown asked how long they expect the repair to last.

Mr. Costa stated that the repair should last approximately 30 years at the existing six-ton weight limit. He stated that they may be able to increase the sufficiency rating; in which, ADOT may allow an increase in the weight limit.

Councilmember Brown asked how the bridge will be affected if there is growth in the area which causes the bridge to be used more.

Mr. Costa stated that he would consider a re-alignment of the road straight to Butte Avenue and combine all three bridges to accommodate the re-alignment. He said the re-alignment project is listed in the CIP; however, traffic in that area does not warrant a re-alignment at this time.

Vice-Mayor Smith stated that the weight limit should remain at 6 tons. He stated that there is alternate access for those with higher weight limits.

On motion of Councilmember Brown, seconded by Vice-Mayor Smith and carried to award the contract for repair and remediation of the Butte Avenue bridge to Knochel Bros., Inc. in an amount not to exceed \$161,233.38, in accordance with the Job Order Contract for Construction (Civil) approved on October 6, 2008.

DEPARTMENT REPORTS

Manager's Report

Department Reports

- i. **Courts**
- ii. **Finance**
- iii. **Fire**
- iv. **Library**
- v. **Parks and Recreation**
- vi. **Planning & Zoning**
- vii. **Police**
- viii. **Public Works**

The Department Reports were received and filed.

CALL TO THE PUBLIC/COUNCIL RESPONSE: Call to the Public for Public Comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Council Members may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

Mr. Ed. Johnson, Vista Hermosa President, thanked Himanshu Patel, Jim Mannato, and Wayne Costa for doing a wonderful job on the land swap. He appreciated the good relationship he had in getting the transfer of the title done. He said there are 24 lots left to liquidate. The Town has water assessments on the lots. He discussed flat roofs on the buildings. He would like to be included on the discussions with the developers regarding the aesthetics of the buildings.

Mr. Tim Payne, Knochel Bros. Inc. Project Manager, stated that Knochel Bros. Inc. is a very competitive contractor. They were awarded a public bid for Anthem at Merrill Ranch. He said that he is personally honored to speak to the Council and felt blessed to be a managing part of such a wonderful company. He said Knochel Bros. Inc. is very grateful for the work that they have been awarded by the Town of Florence. They believe in giving back to the community and have done so in many different ways.

Knochel Bros. Inc. will be gifting materials and labor to the following properties in Florence for having the confidence in Knochel Bros. Inc. to serve the community:

- Paving and overlay of existing driveway at Heritage Park that leads to concessions
- Grading and paving on the east side of Fire Station # 1 to add parking for fire and emergency personnel along with minor asphalt repairs, seal coating, and new striping
- Paving additional parking needed at Senior Center along with minor asphalt repairs, some crack sealing, seal coating, and new striping
- Paving a parking area and striping at the Main Street Park
- Pave a driveway entrance and spread millings to construct a parking area north of the railroad tracks at the Poston Butte Monument Park

He stated that the small improvements will contribute to the restoration and beautification that has been taking place and will make it more convenient for those who serve it. He stated that they look forward and hope that they are able to maintain standards, costs, and the quality of construction that will benefit the Town as well as Knochel Bros. Inc. for many years to come.

Mayor Kilvinger thanked him for the improvements that are offered to the Town. She complimented Knochel Bros. Inc. for the work that they have done for the Town.

CALL TO THE COUNCIL

Councilmember Hawkins thanked Knochel Bros. Inc. for the work that they have done for the Town and what they have offered to do, including the Aero Modelers Club.

Councilmember Brown complimented Knochel Bros. Inc. for the work they did in Caliente.

Councilmember Raasch thanked Mr. Costa for the impressive presentation on the bridge. He congratulated Mr. Costa and Knochel Bros. Inc. for the job that was done in North Florence. He said the streets are beautiful along with the curbs.

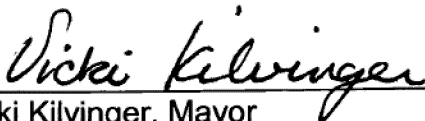
Vice-Mayor Smith thanked Jennifer Evans and the Main Street Program for the Multi-Cultural Event. It was enjoyed by many people. He wished Mr. Patel a Happy Birthday.

Mayor Kilvinger stated that she was impressed with the Multi-Cultural Event. She was very pleased with the groundbreaking of the hospital on Hunt Highway. She showcased

the picture of a six year old boy whose goal is to be a Mayor one day. She said the General Store will be opening soon and the food in Michael's Café is wonderful.

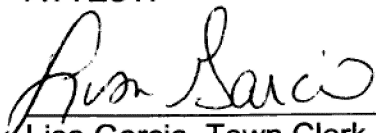
ADJOURNMENT

Mayor Kilvinger adjourned the meeting at 8:16 p.m.



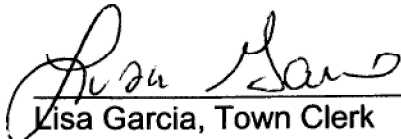
Vicki Kilvinger, Mayor

ATTEST:



Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on October 19, 2009, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk